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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/997,432, filed on November 29, 2001
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: CALIN I. CIOBANU DATED: 12.20.01

Signature: *Calin I. Ciobanu* Citizen of: United States

Inventor two: ADRIAN D. DE SILVA DATED: 12/20/01

Signature: *Adrian D. De Silva* Citizen of: United States

Inventor three: *As*

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Calin I. Ciobanu

Application No.: 09/997,432 Filed: November 29, 2001

For: MULTI-STAGE VARIABLE ORIFICE FLOW OBSTRUCTION SENSOR

VIASYS Healthcare, Critical Care Division, a California corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/21/01

Name: Tom Westfall

Registration No.: _____ (if applicable)

Title: Vice President of Engineering for Viasys Healthcare

Signature: Tom Westfall

ASSIGNMENT OF APPLICATION

Docket Number (Optional):
BEARM-093A (formerly SENSR-006A)

Whereas, I, CALIN I. CIOBANU, of 1003 Evening Canyon, Brea, California, 92621 hereafter referred to as applicant, have invented certain new and useful improvements in MULTI-STAGE VARIABLE ORIFICE FLOW OBSTRUCTION SENSOR

☒ for which an application for a United States Patent was filed on November 29, 2001,
Application Number 09 997,432.

☐ for which an application for a United States Patent was executed on _____, and

Whereas, VIASYS Healthcare, Critical Care Division of Yorba Linda, California herein referred to "assignee" whose mailing address is 22705 Savi Ranch Parkway, Yorba Linda, CA 92887 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of ONE dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 20TH day of DECEMBER, 2001,

at 22705 SAVI RANCH PARKWAY, YORBA LINDA, CA 92887

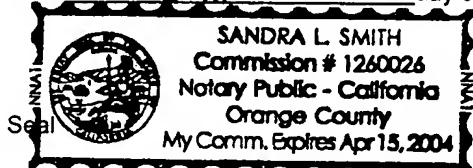
Calin I. Ciobanu
Calin I. Ciobanu

State of CALIFORNIA) SS:

County of ORANGE)

Before me personally appeared said Calin I. Ciobanu and acknowledged the foregoing instrument to be his free act

and deed this 20TH day of DECEMBER, 2001.



Sandra L. Smith
(Notary Public)

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☐ Total of _____ forms are submitted.

Send to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

ASSIGNMENT OF APPLICATION

Docket Number (Optional):
BEARM-093A (formerly SENSR-006A)

Whereas, I, Adrian D. de Silva of 122 Juniperhill Lane, Riverside, California, 92506 hereafter referred to as applicant, have invented certain new and useful improvements in MULTI-STAGE VARIABLE ORIFICE FLOW OBSTRUCTION SENSOR

☒ for which an application for a United States Patent was filed on November 29, 2001,
Application Number 09/ 997,432

☐ for which an application for a United States Patent was executed on _____, and

Whereas, VIASYS Healthcare, Critical Care Division of Yorba Linda, California herein referred to "assignee" whose mailing address is 22705 Savi Ranch Parkway, Yorba Linda, CA 92887 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of ONE dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 20TH day of DECEMBER, 2001,

at 22705 SAVI RANCH PARKWAY, YORBA LINDA, CA 92887

Adrian D. de Silva

Adrian D. de Silva

State of CALIFORNIA ss:

County of ORANGE

Before me personally appeared said Adrian D. de Silva and acknowledged the foregoing instrument to be his free act and deed this 20TH day of DECEMBER, 2001.



Sandra L. Smith
(Notary Public)

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

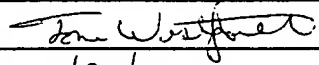
☐ Total of _____ forms are submitted.

Please type a plus sign (+) inside this box ☐

PTO/SB/81 (02-01)
Approved for use through 10/31/2002. OMB 0651-0035
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/997,432
	Filing Date	11/29/01
	First Named Inventor	Calin I. Ciobanu
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	BEARM-093A (formerly SENSR-006A)

I hereby appoint:		Place Customer Number Bar	
<input checked="" type="checkbox"/> Practitioners at Customer Number 007663	→	Code Label here	
Attention: [attorney name]			
OR			
<input type="checkbox"/> Practitioner(s) named below:			
<u>Name</u>		<u>Registration Number</u>	
as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.			
Please change the correspondence address for the above-identified application to:			
<input type="checkbox"/> The above-mentioned Customer Number: Attention: [attorney name]			
OR			
<input type="checkbox"/> Practitioners at Customer Number		→	Code Label here
Attention: [attorney name]			
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Stetina Brunda Garred & Brucker		
Address	75 Enterprise, Suite 250		
Address			
City	Aliso Viejo	State	CA
		ZIP	92656
Country	United States		
Telephone	(949)855-1246	Fax	(949)855-6371
I am the:			
<input type="checkbox"/> Applicant.			
<input checked="" type="checkbox"/> Assignee of record of the entire interest			
Certificate under 37 CFR 3.73(b) is enclosed			
SIGNATURE OF Applicant or Assignee of Record			
Name	Tom Westfall, Vice President of Engineering for Viacsys Healthcare		
Signature			
Date	12/21/01		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of _____ forms are submitted.			